



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/584,901  | 01/11/2008  | Thomas Scherer       | WUE-57              | 5039             |
| 26875 7590 09/30/2009<br>WOOD, HERRON & EVANS, LLP<br>2700 CAREW TOWER<br>441 VINE STREET<br>CINCINNATI, OH 45202 |             |                      |                     |                  |
| EXAMINER<br>TAPOCAL, WILLIAM E  |             |                      |                     |                  |
| ART UNIT  |             | PAPER NUMBER         |                     |                  |
| 3744  |             |                      |                     |                  |
| MAIL DATE   |             | DELIVERY MODE        |                     |                  |
| 09/30/2009  |             | PAPER                |                     |                  |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

1. Applicant's arguments filed September 14, 2009 have been fully considered but they are not persuasive. Applicant's remarks regarding the combination of Fischer et al and Foye have been carefully considered. In particular, Applicant points out that Fischer et al discloses the desirability of having only one cooling plant to provide all the necessary cooling capacity for the aircraft. However, modifying Fischer et al to provide two duplicate cooling plants as taught in Foye would not result in an inoperable system in Fischer et al, nor would it destroy the operability of the cooling system of Fischer et al. Fischer et al would still be able to operate as disclosed.
2. Furthermore, it is noted that Fischer et al only expresses the desirability of using a single cooling plant. It is believed that Fischer et al would contemplate the use of more than one cooling plant if it were needed or desired.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William E. Tapolcai whose telephone number is (571) 272-4814. The examiner can normally be reached on Mon. - Thurs., 6:30 to 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cheryl J. Tyler can be reached on (571) 272-4834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/William E. Tapolcai/  
Primary Examiner, Art Unit 3744

wet  
September 28, 2009